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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/747,002
Filing Date: December 22, 2000
Appellant(s): BOYLE, WILLIAM B.

William Boyle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 2, 2007 appealing from the
Office action mailed October 20, 2006

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

Claims 1-16 been canceled.

This appeal involves claims 17-29.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,134,384	Okamoto et al	10-2000
6,792,000	Morinaga et al	09-2004
6,951,031	Hatano	09-2005
6,549,718	Grooters	04-2003

Declaration of William B. Boyle Pursuant to 37 C.F.R. 1.132

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al (US 6134384) in view of Morinaga et al (US 6792000).

[claim 17]

In regard to Claim 17, Okamoto et al discloses a method of storing information on a storage medium wherein each sector having a first integer of user data bytes the video data stream including a sequence of original transport packets, each original transport packet having a second integer of bytes, the second integer of bytes different from the first integer of user data bytes, wherein a third integer of original transport packets are storable in a fourth integer of sectors, the fourth integer being a minimum number of sectors with the same number of user data bytes as the number of bytes in the third

integer of original transport packets (Figure 10 shows a detailed picture of the transport packet wherein the transport packets have various bytes of information as further described in Column 6 Lines 33-42), the method comprising:

- Receiving the sequence of original transport packets (Figure 1 shows the receiving of data streams via the input/output terminal 108);
- Adding a fifth integer of bytes to each original transport packet to create a sequence of modified transport packets, each modified transport packet having a sixth integer of bytes (Figure 10 illustrates the formats of clocks of a digital compressed video signal that is transmitted in a packet 188 byte and stored in the data recording area. Furthermore, a time stamp 25 of 4 bytes is added to the packet having a total of 192 bytes per packet thereby adding various integer of bytes to the original transport packets as further described in Column 6 Lines 33-42);
- Storing the sequence of modified transport packets wherein a seventh integer of modified transport packets are stored in an eighth integer of sectors, the eighth integer being a minimum number of sectors with the same number of user data bytes as the number of bytes in the seventh integer of modified transport packets, the eighth integer of sectors smaller than the fourth integer of sectors (Figure 16 shows memory 400 which stores the transport stream in which the memory stores packet data for the input/output terminal so that the packets correspond to the transport streams as further described in Column 9 Lines 25-36); however fails to

discloses the storing video data stream on a hard disk drive for efficient, non-sequential access to the stored stream of video data, the HDD having a plurality of sectors, each sector having a first integer of user data bytes, the HDD having a plurality of sectors.

Morinaga et al discloses a data processing apparatus wherein transport streams are recorded onto various recording mediums. This is seen in Figure 1 and further described in Column 4 Lines 38+. Thereby making the storing of modified transport packets and the storing of these packets more accessible by storing the packets on a non-sequential access storage medium, hard disk. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the recording/reproducing apparatus, as disclosed by Okamoto et al and further incorporate a system that stores the transport packets onto a hard disk drive, as disclosed by Morinaga et al. to provide a more efficient and accessible system.

[claim 18]

In regard to Claim 18, Okamoto et al discloses the second integer of bytes is 188 (Figure 13 shows the packet with 188 bytes).

[claim 19]

In regard to Claim 19, Okamoto et al discloses a method wherein the fifth integer of bytes is four so that the sixth integer of bytes is 192 (Figure 14 the first and second predetermined number of bytes make a transport packer of 192 bytes).

[claim 20]

In regard to Claim 20, Okamoto et al discloses a method wherein the second integer of bytes is 188 and wherein the fifth integer of bytes is four so that each modified transport packet has a length of 192 (Figure 13 and Figure 14 shows the second integer of bytes to be 188 while Figure 14 shows the fifth integer of bytes to have a length of 192 bytes).

[claims 21 & 22]

In regard to Claim 21, Okamoto et al discloses a method wherein the first integer of user data bytes is 512 and wherein the eighth integer of sectors is three (Column 7 Lines 39-56 describes the user data bytes).

[claim 23]

In regard to Claim 23, Okamoto et al discloses a method wherein each original transport packet includes synchronization bytes located at a beginning of each original transport packet and wherein the fifth integer of bytes is inserted behind the synchronization bytes (Figure 4a-4b shows the original packet with synchronization bytes wherein the data is added behind or in front of the bytes of information).

[claim 24]

In regard to Claim 24, Okamoto et al discloses a method wherein each original transport packet includes synchronization bytes located at a beginning of each original transport packet, and wherein the fifth integer of bytes is inserted behind the synchronization bytes (Figure 14 shows the fifth integer which is inserted behind the synchronization bytes).

[claim 25]

In regard to Claim 25, Okamoto et al discloses a method wherein passing each modified transport packet through a first buffer prior to storing on the storage medium (Figure 17 shows the buffer used before the transfer onto the storage medium).

[claim 26]

In regard to Claim 26, Okamoto et al discloses a system for storing video data for efficient non-sequential access to stored video data as previously disclosed in Claim 17; however fails to discloses the following limitations:

- A receiver configured to receive a stream of video data that includes a sequence of original transport packets, wherein each original transport packet has a first predetermined number of bytes

Morinaga et al discloses a data processing system wherein transport streams are recorded and reproduced. The audio/video data is entered into the system through a receiver as seen in Figure 1, wherein the transport packets are descrambled and identified as further described in Column 3 Lines 4-32. Thereby providing more input possibilities to the system and further identifying additional transport packets. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the recording/reproducing transport stream system, as disclosed by Okamoto and further incorporate a receiver to allow proper input of transport streams, as disclosed by Morinaga et al, and thereby providing additional input possibilities.

[claim 27]

In regard to Claim 27, Okamoto et al discloses a system wherein the second circuit configured to remove the second predetermined number of bytes from each modified

transport packet retrieved (Figure 16 shows the removing of transport packet information from the error correction circuit as well as the packet output control circuit).

[claim 28]

In regard to Claim 28, Okamoto et al discloses a system wherein the predetermined number of bytes is 188 and wherein the second predetermined number of bytes is four so that the third number of bytes is 192 bytes (Figure 13 and Figure 14 shows the second integer of bytes to be 188 while Figure 14 shows the fifth integer of bytes to have a length of 192 bytes).

[claim 29]

In regard to Claim 39, Okamoto et al discloses a system wherein the predetermined number of user data bytes is 512, and wherein the second predetermined number of sectors is three (Column 7 Lines 39-56 describes the user data bytes).

(10) Response to Argument

Appellant arguments filed August 2, 2007, 2005 have been fully considered but they are not persuasive.

In response to appellants argument on pages 6-7 that Okamoto in view of Morinaga fails to disclose, suggest, or teach the following limitation "storing the video data on a hard disk drive" and a data processing apparatus wherein transport streams are recorded onto various recording mediums.. by storing the packets on a non-sequential access storage medium, hard disk" as recited in Claim 1. Okamoto et al discloses a system the contains a memory for storing data as described in Column 9 Lines 25-36 and seen in Figure 16 memory 400; however, fails to specifically disclose

that the recording medium is a hard disk drive. Morinaga teaches a system wherein a hard disk drive (HDD) is used for processing apparatus of transport streams. The HDD is shown in Figure 1 and described in Column 4 Lines 13-31 and thereby provides the system the ability to have an efficient storage medium. Additionally, Morinaga teaches the processing of transport streams being recorded onto various recording mediums and storing the packets on a HDD as described in Column 4 Lines 38+. The system provides the storage of transport streams onto the HDD to provide efficient reproducing and recording of the data streams.

Appellant additionally argues on pages 7-8 the Okamoto in view of Morinaga fails to disclose "a receiver configured to receive a stream of video data that includes a sequence of original transport packets" as recited in Claim 26. Morinaga teaches the system the entering of transport packets through the receiver as seen in Figure 1 and thereby the transport packets can be descrambled and identified as described in Column 3 Lines 4-32 and thereby providing further identification process of the transport packets.

Appellant additionally argues that examiner has not considered the declaration of William B. Boyle. It is noted the examiner has considered the declaration; however, feels the declaration is insufficient as Okamoto is taught by Morinaga to provide clearly clarification of the memory element of Okamoto. It is recited by Okamoto that the "memory is for storing digital signals at the time of recording and reproducing" however, fails to recite if the memory is a HDD. It is then taught by Morinaga that a HDD can be used for the processing of transport streams and thereby the use of various memory

can be used when processing the streams including hard disk drives in places of sequentially accessed storage mediums. Although, examiner agrees with the differences recited regarding sequential and non-sequential storage mediums it is a design choice to determine what storage medium to use through the various processes of the system.

In response to appellants argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Okamoto et al discloses a system for storing information on a storage medium (tape) and thereby lacking a hard disk drive (HDD). Morinaga et al teaches the ability to store transport streams on a HDD that allows the storing of packets more accessible by on a non-sequential access storage medium, hard disk (HDD). It is well known in the art that the many storage mediums are available for storing data. Hatano (US 6,951,031) shows in Figure 8 a system that has a choice of storing data through a VTR, HD, or a DVD and described in Column 10 Lines 39+. Additionally, Grooters et al (US 6,549,718) shows in Figure 1 a mass storage device that can contain a VCR, HDD, or other recording device into the system as further described in Column 3 Lines 50+. The system allows the ability to use the various recording mediums as a choice for storing the processed data

stream. Therefore, it can be seen in the above references and those relied upon in the rejection a system can have various mediums for storing of data. The system maintains its function of recording, reproducing, or evaluating data in the same manner; however, has the option of the output medium to be a tape, HDD, DVD, or other storage devices for storing the processed data. Although, appellants points are understood the examiner can not agree and the rejection is maintained.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Jamie Vent

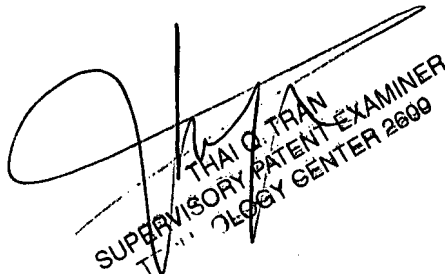
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